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 William Sandie, and Mark Sorci

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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 MYRONE JONES,

12 Plaintiff,

13 v.

14 E.K. MCDANIEL, et al.,

15 Defendants

Case No. 3:17-cv-00199-MMD-VPC

16 **MOTION FOR ENLARGEMENT OF TIME  
 17 TO SUBMIT CONFIDENTIAL EARLY  
 18 MEDIATION CONFERENCE STATEMENT  
 19 (First Request)**

20 Defendants, Tara Carpenter, E.K. McDaniel, William Sandi, and Mark Sorci, by and through  
 21 counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Gerri Lynn Hardcastle,  
 22 Deputy Attorney General, hereby move this honorable Court for an enlargement of time to submit their  
 23 Confidential Early Mediation Conference Statement. This motion is made pursuant to Fed. R. Civ. P.  
 24 6(b)(1), the following Memorandum of Points and Authorities, and the papers and pleadings on file  
 25 herein.

26 **MEMORANDUM OF POINTS AND AUTHORITIES**

27 **I. INTRODUCTION & RELEVANT FACTUAL INFORMATION**

28 This case is a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 3 at 1. Plaintiff,  
 Myron D. Jones (Plaintiff) is an inmate in the lawful custody of the Nevada Department of Corrections  
 (NDOC). *Id.* The incidents at issue in this matter occurred at Lovelock Correctional Center (LCC),  
 which is where Plaintiff is currently housed. ECF No. 4 at 1. Specifically, Plaintiff alleges that his  
 rights under the Free Exercise Clause of the First Amendment, the Equal Protection Clause of the

1 Fourteenth Amendment, and the Religious Land Use and Institutionalized Persons Act (RLUIPA). ECF  
 2 No. 3 at 6-7.

3           The Inmate Early Mediation Conference (EMC) in this matter is scheduled for October 9, 2018,  
 4 at 11:30 a.m. ECF No. 9 at 1. In the order setting the EMC, this Court ordered the parties to submit  
 5 confidential early mediation conference statements by Tuesday, October 2, 2018, at 4:00 p.m. *Id.* at 4-  
 6 5. Unfortunately, counsel is unable to complete her clients' statement by 4:00 p.m. today due matters in  
 7 other cases. Counsel therefore requests to be allowed to submit her clients' statement no later than  
 8 12:00 p.m. on Wednesday, October 3, 2018.

9 **II. DISCUSSION**

10           District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v.*  
 11 *Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir.  
 12 1992). FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

13           When an act may or must be done within a specified time, the court may,  
 14 for good cause, extend the time: (A) with or without motion or notice if  
 15 the court acts, or if a request is made, before the original time or its  
 extension expires; or (B) on motion made after the time has expired if the  
 party failed to act because of excusable neglect.

16           “The proper procedure, when additional time for any purpose is needed, is to present to the  
 17 Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented  
 18 before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line*  
 19 *Co.*, 31 F.R.D. 282, 283 (D.Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such  
 20 as an attorney’s “conflicting professional engagements” or personal commitments such as vacations,  
 21 family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court  
 22 deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.”  
 23 *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D.Ohio 1947). The good cause standard considers a party’s  
 24 diligence in seeking the continuance or extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d  
 25 604, 609 (9th Cir. 1992).

26           Good cause exists to enlarge the time for Defendants to submit their confidential EMC statements.  
 27 They and their counsel have already devoted a significant amount of time to investigating Plaintiff’s  
 28 claims and preparing their statement. Unfortunately, other matters prevent counsel from completing the

1 EMC statement by 4:00 p.m. today, but counsel is confident that the statement will be completed by 12:00  
2 p.m. tomorrow, October 3, 2018. Defendants hope that the short enlargement of time requested will not  
3 inconvenience the mediator or this honorable Court.

4 **III. CONCLUSION**

5 Based on the foregoing, Defendants respectfully request that they be allowed until Wednesday,  
6 October 3, 2018, at 12:00 p.m. to submit their confidential EMC statement.

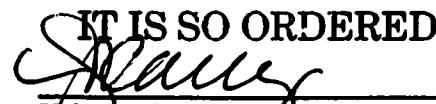
7 DATED this 2nd day of October, 2018.

8 ADAM PAUL LAXALT  
Attorney General

9 By:

10   
11 GERRI LYNN HARDCASTLE  
12 Deputy Attorney General  
State of Nevada  
Bureau of Litigation  
Public Safety Division

13 *Attorneys for Defendants*

14  
15  
16 IT IS SO ORDERED  
17   
18 U.S. MAGISTRATE JUDGE

19 DATED: Oct. 3, 2018

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 2nd day of October, 2018, I caused a copy of the foregoing, **MOTION FOR ENLARGEMENT OF TIME TO SUBMIT DEFENDANTS' CONFIDENTIAL EARLY MEDIATION CONFERENCE STATEMENT (First Request)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

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Office of the Attorney General**